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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Mullen et al.

Serial No. : 09/681,475

Filed : April 13, 2001

For : Method and System for Graphically Displaying Consolidated Condition Data for Equipment in a Host Facility

Group Art No. : 3714

Examiner : Ronald Laneau

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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APPEAL BRIEF PURSUANT TO 37 C.F.R. §§1.191 AND 1.192

Dear Sir:

This Appeal Brief is being filed in furtherance to the Notice of Appeal filed on June 7, 2007.

1. REAL PARTY IN INTEREST

The real party in interest is General Electric Company and GE Medical Systems Global Technology Company, LLC, the Assignee of the above-referenced application by virtue of the Assignment to GE Medical System Global Technology Company, LLC recorded on May 21, 2001, at reel 011831, frame 0075.

2. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellant's legal representative in this Appeal. General Electric Company, the Assignee of the above-referenced application as evidenced by the documents mentioned above, will be directly affected by the Board's decision in the pending appeal.

3. STATUS OF THE CLAIMS

Claims 1-34 are currently pending, and claims 1-34 are currently under final rejection and, thus, are the subject of this appeal.

4. STATUS OF AMENDMENTS

The Appellant has not submitted any amendments subsequent to the Final Office Action mailed on March 7, 2007. The present application has been pending for over six years, being filed April 13, 2001.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1 calls for a method for remotely managing an institution that includes the steps of remotely collecting condition data (88, 92) representative of device status for a number of devices utilized in the institution. The condition data is segregated into device diagnostic data and device reminder data. The method continues with storing (94) the condition data on a database at a centralized facility and reviewing (96) the condition data to identify at least the device diagnostic data and the device reminder data. The method further includes the step of displaying and identifying on a graphical user interface (240) the device diagnostic data and the device reminder data. *Specification, ¶ 7.*

A graphical user interface (GUI) (240) for a remotely located host is set forth in claim 9 and is configured to display management information for a plurality of devices. The GUI (240) includes an alert section having a number of alert indicators (242) configured to indicate urgent items relating to a device and a reminder section having a number of reminder indicators (244)

configured to display scheduled items relating to the device. The GUI (240) also includes a general information section (250) having a number of general information textlinks configured to display product updates and technology news specific to the device. Specification, ¶ 8.

Claim 17 sets forth a system (10) to display consolidation information for a remote medical facility that includes a computerized network (20), a readable memory (36) electronically linked to the network, and a plurality of computers (52) connected to the network, wherein at least one of the plurality of computers (52) displays electronic data to a user in the form of a graphical user interface (GUI). The system also includes a processing unit (56, 58) capable of calling a GUI on demand and causing a representation of condition data of a medical facility to be displayed upon request by a user, a plurality of devices (46, 48, 50) in a remote medical facility connected to a consolidation facility, and a computer at the consolidation facility (226). The computer (226) is programmed to continually acquire condition data (242) of the plurality of devices, continually acquire reminder data (244) wherein that includes a plurality of scheduled tasks, display the condition data and the reminder data (242, 244) on a refreshable graphical user interface (GUI) (240), and enable data transmission to the remote medical facility in addition to the display of the condition data and the reminder data on the refreshable GUI (240). Specification, ¶ 9.

Set forth in claim 25 is a computer data signal embodied in a carrier wave that represents a sequence of instructions. When executed by one or more computers (226), the computer data signal causes the one or more computers (226) to acquire automatically-generated data from a number of auto-generation data sources (222, 224) within a remote facility (225) and acquire manually entered data from both the remote facility and remotely from the remote facility. The computer data signal also causes the one or more computers (226) to, at a centralized processing station, consolidate the automatically generated data and the manually entered data and display the consolidated data on a graphical user interface (GUI) (232), wherein the GUI is accessible from the remote facility. Specification, ¶ 10.

6. **GROUNDS OF REJECTION**

In the Final Office Action dated March 7, 2007, the Examiner rejected claims 1, 4, 7-9, 11-14, 16-19, and 21-34 under 35 U.S.C. §102(b) as being anticipated by Wookey et al. (USP 6,182,249) and rejected claims 2, 3, 5, 6, 10, 15, and 20 under 35 U.S.C. §103(a) as being unpatentable over Wookey in view of Hansen (USP 6,317,639).

7. ARGUMENTS

Claims 1 and 17

The Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Wookey et al. '249. Claim 1 calls for, in part, "separately displaying and identifying" device diagnostic data and device reminder data for a remote device on a GUI. The Examiner indicated that Wookey et al. '249 teaches these elements at column 16, lines 4 1-58 thereof. However, the cited portion of Wookey et al. '249 relates to an alert display 245 which displays a list of alerts which have arisen. An alert informs a user that certain conditions which were identified, but not previously met, have now been satisfied. *Wookey et al. '249*, Col. 11, lns. 56-62. ("Alerts are predefined conditions in the various components of the monitored computer system that indicate operating conditions within the system. The alerts are designed to be sufficiently flexible so that they can detect not only serious problems, but also detect performance and misconfiguration problems.") These alerts may take a variety of forms, but they are determined or detected from actual condition or state data of the host computer being monitored. *See Wookey et al. '249*, Col. 12, lns. 1-5, 41-42; Col. 16, lns. 3-15. For example, the system of Wookey et al. '249 monitors disk space on the host computer and can generate an alert when filled disk space approaches or reaches a threshold of 99%. Col. 12, lns. 36-41. Thus, the alerts of Wookey et al. '249 are based on actual condition data and are generated in response to actual conditions or actual trends in a host computer.

In contrast, "reminder data," as called for in claim 1, is based upon some predetermined information. Whereas an alert is determined dynamically from actual conditions, a reminder is preset or pre-scheduled. In other words, a reminder "reminds" of some information previously known, such as regularly scheduled maintenance, but an alert notifies of a previously unknown condition. A user might be "alerted" when a predefined "problem" arises in a monitored device, but would not be "reminded" when such a problem arises. Turning to the description Wookey et al. '249 provides:

Two types of alerts are available. The first kind of alert is a spot alert which is based on current data only. A spot alert indicates that a particular value of a system component has exceeded a threshold value. For example, a spot alert could result when the number of parity errors exceeds a predetermined threshold, or when the root partition of a disk exceeds 99%.

The second type of alert is a predictive alert. A predictive alert analyzes historical and current data to identify trends. In other words, the predictive alert is a form of trend analysis. Storing multiple instances of stored host states in the host state data base, makes possible such trend analysis of the operating

conditions of a monitored system. Trend analysis allows pro-active detection of undesirable conditions in the collected diagnostic data.

Wookey et al. '249, Col. 12, Ins. 1-21. The alerts described by *Wookey et al. '249* are distinct from the “reminder data” as called for in claim 1 and described in the specification of the present application:

The “Reminders” group 244, in this embodiment, details reminders of scheduled tasks for hospital administration personnel pertaining to one or more of the institution devices. For example, a reminder item might include a reminder that a particular device is scheduled for preventative maintenance, periodic shutdown, part replacement, or general servicing needs. Further reminders might include reminders that upgrades to a particular option in a device are available, training for a newly received device or activated option has been scheduled and upcoming, or supplies associated with a particular device, such as, imaging paper has a low inventory level and is in need of reordering.

Application, ¶ 43.

As discussed above, *Wookey et al. '249* regards only alerts, and does not teach or suggest reminders. Furthermore, the cited portion of *Wookey et al. '249* does not teach “alerting of the schedule[d] repair,” contrary to the Examiner’s contention. *Office Action*, 03/07/07, pg. 2. Accordingly, *Wookey et al. '249* does not teach or suggest all elements of claim 1, at least since it does not teach or suggest device reminder data. Applicant therefore respectfully requests withdrawal of the rejection of claim 1 and all claims depending therefrom.

Likewise, the Examiner rejected claim 17 Under 35 U.S.C. 102(b) as being anticipated by *Wookey et al. '249*. Claim 17 calls for a computer programmed to “continually acquire reminder data wherein the reminder data includes a plurality of scheduled tasks.” Since, as set forth above, *Wookey et al. '249* does not teach or suggest reminders of scheduled tasks, *Wookey et al. '249* cannot be said to anticipate claim 17. Accordingly, Applicant respectfully requests reversal of the rejection of claim 17 and all claims depending therefrom.

Claim 9

The Examiner also rejected claim 9 under 35 U. S.C. § 102(b) as being anticipated by *Wookey et al. '249*. Claim 9 calls for a GUI having “an alert section,” a “reminder section,” and “a general information section.” The Examiner did not address the elements of claim 9 in the rejection, but did note in the “Response to Arguments” section of the Office Action that “*Wookey* discloses in figure 12 a system visualization screen that provides graphical representation of a host state that displays and identifies diagnostic data.” *Office Action*, 03/07/07, pg. 5. The screen shown in Fig. 12 of *Wookey et al. '249* is a “system visualization screen” which shows a tree

structure of the host state and/or an element hierarchy along with an image 1205 of the particular component being viewed along with the “attributes or token values associated with the selected element” in region 1207. *Wookey et al.* ‘249, Col. 10, ln. 55 to Col. 12, ln. 7. *Wookey et al.* ‘249 also discloses a separate GUI called an “alert viewer,” which “display {s} a list of alerts that have arisen and have not been dealt with.” *Wookey et al.* ‘249, Col. 16, lns. 41-59. *Wookey et al.* ‘249 does not disclose any GUI which displays a “reminder section,” as claimed, since *Wookey et al.* does not teach or suggest reminder data. Accordingly, *Wookey et al.* ‘249 does not teach or suggest one GUI which has “an alert section,” “a reminder section,” and “a general information section.” Thus, Appellant believes that *Wookey et al.* ‘249 does not anticipate claim 9 and respectfully requests that the rejection of claim 9 be reversed.

Claim 25

The Examiner also rejected claim 25 under 35 U.S.C. § 102(b) as being anticipated by *Wookey et al.* ‘249, but did not address any of the elements thereof, did not cite any portion of *Wookey et al.* ‘249 as being relevant particularly to claim 25, and has not set forth any reasoning as to why claim 25 is believed to be anticipated. Instead, the Examiner simply grouped the rejection of claim 25 into a rejection directed at and partially quoting claim 1. *See Final Office Action*, 03/07/2007, pgs. 2-3. However, claim 1 and claim 25 call for different elements. In part, claim 25 calls for the acquisition of automatically-generated data and manually entered data and the consolidation thereof at a centralized processing station. The Examiner has not shown where or how these elements are taught by the art of record. Thus, Applicant has not been informed of how the Examiner believes that *Wookey et al.* ‘249 anticipates the particular elements of claim 25. Applicant was offered no opportunity to respond to the rejection of claim 25, since no rejection was ever presented. The burden is upon the Examiner to establish a *prima facie* case of anticipation — it is not the job of an Applicant to guess at why the Examiner may have issued a rejection. For at least this reason, the rejection, and the finality of the rejection, as set forth in the Final Office Action was improper. *See MPEP §706* (“The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity”).

Nevertheless, Applicant believes claim 25 is distinguishable from *Wookey et al.* ‘249. While the diagnostic data in *Wookey et al.* ‘249 may be periodically transmitted to the monitoring computer 100 from the host computer 102, *Wookey et al.* ‘249 does not appear to disclose that any “manually entered data [acquired] from both the remote facility and remotely from the remote facility” is consolidated with automatically-generated data and jointly displayed on a

GUI. *See Wookey et al. '249*, Col. 4, lns. 4-9; Col. 10 ln. 53 to col. 11, ln. 7 (describing graphical display of host computer and diagnostic data derivations). Since it appears that Wookey et al. '249 does not disclose the elements of claim 25, and since the Examiner has not set forth any basis for asserting otherwise, Applicant requests reversal of the rejection of claim 25 and all claims depending therefrom.

Claims 7, 14, 23

The Examiner rejected claims 7, 14 and 23 under 35 U.S.C. §102(b) as being anticipated by Wookey et al. '249, but the Examiner did not address the limitations of these claims. For example, claim 7 was rejected as being anticipated by Wookey et al. '249. As with claim 25, the Examiner simply grouped the rejection of claim 7 into the rejection which partially quotes claim 1, but did not specifically address claim 7 at all. *See Final Office Action*, 03/07/2007, pg. 2. Claim 7 calls for, in part, “identifying on the GUI a device location within the medical institution.” Wookey et al. '249 only refers to “locations” in reference to where data is stored within a network architecture. The Examiner did not elaborate as to how such a disclosure can be said to anticipate that called for in claim 7. Though Wookey et al. '249 discloses that a monitored system 102 may be positioned remotely from the monitoring computer system 100, Wookey et al. '249 does not teach or suggest a GUI which displays a location of where the monitored system 102 is **within an institution**. *See Wookey et al. '249*, Col. 3, lns. 63-65, Fig. 12.

As another example, claim 14 calls for a GUI having “a ‘Services Home’ tab, a ‘Solution Services’ tab, a ‘Services’ tab, an ‘Asset Management’ tab, a ‘Financial Services’ tab, an ‘Education’ tab, and a ‘Contact Device Provider’ tab.” The Examiner rejected claim 14 as being anticipated by Wookey et al. '249, again without specifically addressing claim 14 at all. The Examiner merely stated that the GUI of Wookey et al. '249 “allows for user-friendly manipulation of data and for example generation of reports may be implemented in graphical and/or tabular format with electronic editing, copying, cutting and pasting options.” *Final Office Action*, 03/07/2007, pgs. 2-3. Regardless of whether Wookey et al. '249 actually teaches such “user-friendly manipulation of data,” Applicant has not claimed a GUI “capable” of user friendly manipulation or formatting options. Rather, Applicant has called for, in claim 14, a GUI which has seven specific informational tabs. The only disclosure of a GUI found in Wookey et al. '249, Fig. 12, does not have the claimed tabs. In fact, the disclosure in Wookey et al. '249 does not use most of the above-quoted phrases, and does not even use the word “tab.” The Examiner has not explained how such a deficient reference can be the basis of an anticipation rejection. To

anticipate a claim, a reference must teach all elements of the claim in the particular arrangement and to level of detail recited in the claim. MPEP §2131.

Claim 23 was also rejected as being anticipated by Wookey et al. '249, without any reasoning being set forth. Claim 23 recites that the computer of claim 17 is further programmed to "display on the GUI general information including industry news, device news, technology news, and news relating to the remote facility." These types of general information are not called for in the alternative. To establish anticipation of claim 23, the Examiner must prove that Wookey et al. '249 discloses a computer programmed to show a GUI having displays of all the recited information types. The only GUI shown in Wookey et al. '249 does not have displays of news, let alone displays of the four specific types of news recited in claim 23. The Examiner's blanket rejection, partially quoting claim 1, cannot be a sufficient basis for establishing a rejection of such dependent claims. *MPEP § 706, 2131.*

Thus, Applicant believes that Wookey et al. '249 does not anticipate claims 7, 14, or 23, and respectfully requests that the rejections of claims 7, 14, and 23 be reversed.

8. **CONCLUSION**

At least in view of the above remarks, Appellant respectfully submits that the Examiner has provided no supportable position or evidence that independent claims 1, 9, 17 or 25 are anticipated by Wookey et al. '249. Accordingly, Appellant respectfully requests that the Board find claims 1-34 patentable over the prior art of record and withdraw all outstanding rejections.

Respectfully submitted,

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CLAIMS APPENDIX**In the Claims**

1. (Previously Presented) A method for remotely managing an institution comprising the steps of:

remotely collecting condition data representative of device status for a number of devices utilized in an institution, the condition data segregated into device diagnostic data and device reminder data;

storing the condition data on a database at a centralized facility;

reviewing the condition data to identify at least the device diagnostic data and the device reminder data; and

separately displaying and identifying on a graphical user interface (GUI) the device diagnostic data and the device reminder data.

2. (Original) The method of claim 1 further comprising the step of automatically updating the GUI on one of user refreshing and user accessing of the GUI.

3. (Original) The method of claim 1 further comprising the step of indicating on the GUI the devices requiring immediate attention including identifying the devices in need of repair, servicing, and updating.

4. (Original) The method of claim 1 further comprising the step of displaying on the GUI a reminder profile including a list of devices that require routine attention.

5. (Previously Presented) The method of claim 1 wherein the institution is a medical institution and further comprising the step of displaying on the GUI news updates relating to the devices in the medical institutions.

6. (Original) The method of claim 5 further comprising the step of displaying news links to a number of news GUIs configured to display information about one of a device, a device technology, and a device development.

7. (Original) The method of claim 1 further comprising the step of identifying on the GUI a device location within the medical institution and further comprising the step of

displaying on the GUI one of a department and an individual responsible for immediate management and monitoring of the device.

8. (Original) The method of claim 1 further comprising the step of displaying on the GUI billing information for a device.

9. (Previously Presented) A graphical user interface (GUI) for a remotely located host configured to display management information for a plurality of devices comprising:

an alert section having a number of alert indicators configured to indicate urgent items relating to a device;

a reminder section having a number of reminder indicators configured to display scheduled items relating to the device; and

a general information section having a number of general information textlinks configured to display product updates and technology news specific to the device.

10. (Original) The GUI of claim 9 wherein the number of alert indicators, the number of reminder indicators, and the number of general information textlinks automatically update with each user access.

11. (Original) The GUI of claim 9 wherein the number of alert indicators, the number of reminder indicators, and the number of general information textlinks are tailored to be specific to a particular user.

12. (Original) The GUI of claim 9 wherein a number of the alert indicators, a number of the reminder indicators, and a number of general information textlinks are further configured to link a user upon selection to a number of information specific GUIs.

13. (Original) The GUI of claim 9 configured to be accessed via an Internet connection.

14. (Previously Presented) The GUI of claim 9 further comprising a number of host navigational tabs including a “Services Home” tab, a “Solution Services” tab, a “Services” tab, an “Asset Management” tab, a “Financial Services” tab, an “Education” tab, and a “Contact Device

Provider" tab, wherein the number of navigational tabs are configured to link a user to a number of service GUIs.

15. (Original) The GUI of claim 9 further configured to display a consolidation of automatically generated data and manually generated data including marketing data, customer-entered data, and messages from services and sales personnel.

16. (Original) The GUI of claim 9 wherein the host includes a medical institution.

17. (Previously Presented) A system to display consolidation information for a remote medical facility comprising;

a computerized network;

a readable memory electronically linked to the network;

a plurality of computers connected to the network wherein at least one of the plurality of computers displays electronic data to a user in the form of a graphical user interface (GUI);

a processing unit capable of calling a GUI on demand and causing a representation of condition data of a medical facility to be displayed upon request by a user;

a plurality of devices in a remote medical facility connected to a consolidation facility; and

a computer at the consolidation facility programmed to:

continually acquire condition data of the plurality of devices;

continually acquire reminder data wherein the reminder data includes a plurality of scheduled tasks;

display the condition data and the reminder data on a refreshable graphical user interface (GUI); and

enable data transmission to the remote medical facility in addition to the display of the condition data and the reminder data on the refreshable GUI.

18. (Original) The system of claim 17 wherein the computer is further programmed to determine a number of devices in need of immediate attention.

19. (Original) The system of claim 17 wherein the computer is further programmed to automatically display on the GUI updated condition data and the reminder data with each user access of the GUI.

20. (Original) The system of claim 17 wherein the computer is further programmed to automatically consolidate data from a number of auto-generation systems and manual generation systems including marketing messaging information, messages from remote personnel, and customer input information, and display the consolidated data on the GUI.

21. (Original) The system of claim 20 wherein the auto-generation systems include remote monitoring and diagnostic systems, network monitoring systems, dynamic asset tracking systems, billing, invoicing, and control management systems, and news providing systems.

22. (Original) The system of claim 17 wherein the computer is further programmed to acquire the condition data and the reminder data via a LAN, a WAN, a telephone system, a cable communication system, and a wireless system.

23. (Original) The system of claim 17 wherein the computer is further programmed to display on the GUI general information including industry news, device news, technology news, and news relating to the remote facility.

24. (Original) The system of claim 17 wherein the remote facility is a medical institution and the plurality of devices include medical diagnostic and medical imaging devices.

25. (Previously Presented) A computer data signal embodied in a carrier wave and representing a sequence of instructions that when executed by one or more computers causes the one or more computers to:

acquire automatically-generated data from a number of auto-generation data sources within a remote facility;

acquire manually entered data from both the remote facility and remotely from the remote facility;

at a centralized processing station, consolidate the automatically generated data and the manually entered data; and

display the consolidated data on a graphical user interface (GUI), wherein the GUI is accessible from the remote facility.

26. (Original) The computer data signal of claim 25 wherein the sequence of instructions further causes the one or more computers to display the GUI in an Internet accessible web page.

27. (Original) The computer data signal of claim 25 wherein the sequence of instructions further causes the one or more computers to dynamically consolidate the manually entered data and the automatically generated data and display updated consolidated data with each user access of the GUI.

28. (Original) The computer data signal of claim 25 wherein the sequence of instructions further causes the one or more computers to receive data communications as a user interacts with the GUI and update the consolidated data in response to the user-initiated data communications.

29. (Original) The computer data signal of claim 25 wherein the auto-generation sources include remote monitoring and diagnostic systems, network monitoring systems, dynamic asset tracking systems, dispatching and incident tracking systems, and Internet searching systems.

30. (Original) The computer data signal of claim 25 wherein the manual generation data sources includes messaging systems and customer feedback systems.

31. (Original) The computer data signal of claim 25 wherein the remote facility includes a medical institution having a plurality of medical devices.

32. (Previously Presented) The method of claim 1 wherein the device diagnostic data includes alert data requiring immediate operator attention and the device reminder data includes reminder data for eventual operator attention.

33. (Previously Presented) The system of claim 17 wherein the computer is further programmed to enable data transmission to allow information to be provided to the plurality of devices in the remote medical facility.

34. (Previously Presented) The system of claim 33 wherein the computer is further programmed to receive manually entered data and enable data transmission to allow information to be provided to the plurality of devices in the remote medical facility in response to receiving the manually entered data.

EVIDENCE APPENDIX:

-- None --

RELATED PROCEEDINGS APPENDIX:

-- None --